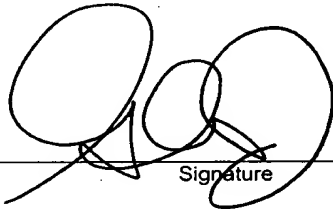


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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 059341-0280	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>On January 30, 2006</p> <p>Signature <u>Susan T. Golab</u></p> <p>Typed or printed name Susan T. Golab</p>	Application Number 09/924,582	Filed 08/09/2001	
	First Named Inventor Miska M. Hannuksela		
	Art Unit 2613	Examiner Philippe, Gims S.	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>37,268</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input checked="" type="checkbox"/> *Total of 1 forms are submitted.</p>			


Signature

G. Peter Albert, Jr.
Typed or Printed Name

(312) 832-4553
Telephone Number

January 30, 2006
Date

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No. 059341/0280

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Miska M. Hannuksela
Title: VIDEO CODING
Appl. No.: 09/924,582
Filing Date: 08/09/2001
Examiner: Philippe, Gims S.
Art Unit: 2613

<p align="center"><u>CERTIFICATE OF MAILING</u></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.</p> <p align="center"><u>Susan T. Golab</u> (Printed Name)</p> <p align="center"><u>Susan T. Golab</u> (Signature)</p> <p align="center"><u>January 30, 2006</u> (Date of Deposit)</p>

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the New **Pre-Appeal Brief Conference Pilot Program**, announced July 11, 2005, this Pre-Appeal Brief Request is being filed together with a Notice of Appeal.

REMARKS

Claims 1-7 and 9 stand rejected under 35 U.S.C. §102(e) as being anticipated by Ueda (U.S. Patent No. 6,591,014). Claims 10-11 and 16-39 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Nakaya (U.S. Patent No. 6,028,631). While it is unclear in the outstanding office action, it appears that claims 14 and 15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Nakaya as well. Claims 8, 12, and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ueda in view of Nakaya. The rejection should be withdrawn because the cited prior art does not disclose, teach, or suggest the claimed invention. For example, neither cited reference discloses, suggests, or teaches encoding the same picture from a video signal twice, once using one mode and a second time using another mode as called for in independent claims 1 and 6-15 and included in dependent claims 2-5, and 16-39. In the claimed invention, one encoding mode is used without reference to another

picture in the sequence of pictures representing the video signal and another encoding mode is used with reference to another picture of the sequence.

As described in the subject application, the claimed invention includes: receiving a picture from a sequence of pictures comprising a video signal, encoding the picture using one encoding mode without reference to another picture of the sequence, and encoding the same picture again using another encoding mode with reference to another picture of the sequence. In one embodiment of the invention this includes encoding the picture as an INTRA-frame (without reference to another picture of the sequence) and encoding the original picture again as an INTER-frame (with reference to another picture of the sequence).

The Ueda reference discloses a video coder in which each picture in a video sequence is encoded only one time into either an INTRA-frame (I-picture), or an INTER-frame such as a forward predictive frame (P-picture) or a bidirectionally predictive frame (B-picture), such that a video sequence includes some I-pictures, some P-pictures sandwiched between contiguous I-pictures, and some B-pictures sandwiched between P-pictures or between a P-picture and I-picture. Ueda does not disclose or suggest encoding the same picture two times into both an INTRA-frame and an INTER-frame.

The Nakaya reference discloses a decoder which receives an encoded bit stream and separates the bit stream into a quantized DCT coefficient, a motion vector, and a intraframe/interframe identification flag. The encoded bit stream is encoded according to H.261 which calls for selecting the most efficient coding method (intraframe or interframe coding) for each block based on the nature of the inputted image. However, Nakaya does not disclose or suggest using both intraframe and interframe coding on the same block.

In both the first and final office actions, the examiner argues that Ueda discloses encoding the same picture from a video signal twice, once using INTRA-frame coding and once using INTER-frame coding at col. 2, lines 45-48 and 50-51, and col. 4, lines 61-64. The examiner also argues that Nakaya discloses the same method of decoding at col. 6, lines 42-67 and col. 7, lines 1-10. However, the examiner's position is incorrect.

In response to the first office action, the applicant pointed out to the examiner that the referenced portions of Ueda only utilize one encoding mode per frame while the claimed invention provides for encoding a frame twice using two different encoding modes (see the applicant's Amendment dated July 15, 2005, specifically page 15). The applicant also pointed out that the teaching of Nakaya does not cure the deficiencies noted with respect to Ueda (see also the Amendment). In the final office action, the examiner disagreed with the applicant's arguments and concluded that these arguments are not persuasive. The examiner argues that "applicant [sic] dependent claims show the same coding apparatus and method used by either Ueda or Nakaya." The examiner also argues that "the applicant's claimed 'coding without reference to another picture' is the well known Intraframe encoding." The examiner adds that "either reference presented by the examiner does suggest encoding the first frame independently."

However, the applicant is not claiming "coding without reference to another picture" in the subject application. Neither is the applicant claiming to have invented encoding the first frame independently in the subject application. As described above, the subject application claims encoding the same picture from a video signal twice, once using an encoding mode without reference to another picture (such as INTRA-frame encoding) and again using an encoding mode with reference to another picture (such as INTER-frame encoding). Based on the examiner's remarks in response to the applicant's Amendment and based on remarks made by the examiner during a telephonic interview on January 26, 2006, the applicant believes the examiner is misreading the claims as being directed to Intraframe encoding. They are not.

It should also be noted that the applicant is not claiming using one encoding method (such as Intraframe encoding) to encode some of the frames of a video sequence and another encoding method (such as Interframe encoding) to encode other frames of the video sequence in the subject application. The applicant's claimed invention is novel and non-obvious because it involves encoding the same picture from a video sequence twice, once using a method of encoding without reference to another picture of the sequence to form a first encoded representation of the picture and once using a method with reference to another picture to form a second encoded representation of the picture.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance.

Respectfully submitted,



By

G. Peter Albert, Jr.
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Date JANUARY 30, 2006

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